IN THE HIGH COURT OF JUSTICE **Claim No. HQ12DO4952**
QUEEN'S BENCH DIVISION

BETWEEN:

LORD ALISTAIR McALPINE **Claimant**

-and-

BRITISH BROADCASTING CORPORATION **Defendant**

JOINT STATEMENT IN COURT

Claimant's counsel

My Lord, in this libel action I appear on behalf of the Claimant, Lord McAlpine of West Green. [My Learned Friend, ….] appears on behalf of the Defendant, the BBC.

Lord McAlpine is a former Deputy Chairman of the Conservative Party and a former Party Treasurer. He was a close aide to Margaret Thatcher during her time as Prime Minister. As a result of his positions and his work with the Conservative Party, he had a significant political profile during the late 1970s and the 1980s.

On 2 November 2012, the BBC's flagship news programme, *Newsnight*, broadcast a report about the sexual abuse of boys at the Bryn Esytn children's home in Wales in the 1970s and '80s. That edition of Newsnight remained available for around 1 week on the BBC's iPlayer.

The report was the programme's lead item and it was introduced as being the result of a Newsnight investigation. The item reported the allegations of two victims who alleged that "they suffered sexual abuse at the hands of a leading Conservative politician from the Thatcher years". The item included an interview with one of the victims, Steve Messham, who gave details of that alleged abuse.

The report did not name Lord McAlpine, but the programme makers intended him to be the target of the allegations. Towards the end of the report, the presenter stated that “The evidence that we’ve heard, that we have gathered over the last twenty years remains the same. For now there is simply not enough to name names.”

Unfortunately, in fact disastrously, names had already been named. Throughout the day on 2 November, Newsnight’s forthcoming report had been widely trailed on the internet. Furthermore, Lord McAlpine’s name had been linked to it. In the aftermath of Newsnight’s broadcast, Lord McAlpine was widely identified as the subject of Newsnight’s allegations.

In short, Newsnight made the most serious of defamatory allegations about Lord McAlpine, tarring him as a paedophile who was guilty of sexually abusing vulnerable young boys living in care.

Those allegations are untrue.

As the BBC now accepts, they were utterly baseless. These disgraceful allegations should never have been made.

Prior to the broadcast, the BBC had not even contacted Lord McAlpine. If any of the programme makers had done so, he would have been able to give them the correct information, namely that he had never been to the children’s home in question. He would also have been able to remind them that similar allegations had been considered and authoritatively rejected by the Waterhouse Inquiry, as recorded in its final report, “*Lost in care, report of the tribunal of inquiry into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974*”.

Furthermore, it was only after Newsnight aired, that anyone showed their interviewee, Mr Messham, a photograph of Lord McAlpine. Having seen it, he immediately withdrew his allegations and apologised.

It goes without saying, that Lord McAlpine has nothing but sympathy for Mr Messham personally, and for other boys who suffered physical and sexual abuse at the hands of their carers when they were in care homes in Wales back in the 1970s and 1980s. He hopes and believes that as a society we have all learned lessons from that awful experience and Sir Ronald Waterhouse’s subsequent inquiry.

Similarly, Lord McAlpine wishes it to be known that he generally holds in the BBC in great esteem.

However, Newsnight broadcast the most highly defamatory allegations about him. Allegations which Lord McAlpine has said not only caused him great distress and embarrassment but have affected him to his soul. He therefore felt compelled to take steps to vindicate his reputation and he prepared to issue libel proceedings against the BBC.

In response, the BBC has apologised to Lord McAlpine and agreedto pay him substantial damages and his costs. It accepts that its allegations were wholly untrue and has withdrawn them unreservedly. Importantly, it is here today to apologise publicly to Lord McAlpine.

The Defendant's Counsel

My Lord, on behalf of the BBC I accept all that my learned friend has said.

The BBC withdraws the allegations made by Newsnight unreservedly, and apologises sincerely to Lord McAlpine for the great damage and distress which its broadcast caused him.

Following the broadcast of Newsnight on 2 November, the BBC realised that it had committed a grave error in broadcasting the report complained of. The disgraceful allegations should never have been aired. As a result, a week later, on Newsnight on the evening of 9 November, the programme issued an apology to Lord McAlpine. It has also undertaken an internal review to look into what went wrong.

The BBC is pleased to be able to take this opportunity to apologise to Lord McAlpine before the Court. It accepts that it cannot put the clock back and wishes to express its genuine remorse for the harm it has caused him.

The Claimant's Counsel

My Lord, it follows that this matter is now concluded and I ask for Your Lordship's leave to withdraw the record.

…… ……..……

Solicitor/ Counsel for the Claimant Solicitor/ Counsel for the Defendant